

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

EUGENIA SONG,

Plaintiff,

v.

U.S. GOVERNMENT,

Defendant.

Case No.: 3:23-cv-00573-JR

ORDER

**Adrienne Nelson, District Judge**

United States Magistrate Judge Jolie A. Russo issued Findings and Recommendation in this case on June 7, 2023. Judge Russo recommended that this Court dismiss plaintiff's amended complaint and associated exhibits without prejudice and grant plaintiff an additional thirty days from the date of this order to file a complaint that complies with the requirements of the Federal Rules of Civil Procedure and Judge Russo's Findings and Recommendation. No party has filed objections.

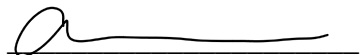
A district court judge may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). If any party files objections to a magistrate judge's proposed findings and recommendations, "the court shall make a de novo determination of those portions of the report." *Id.* If no objections are filed, then no standard of review applies. However, further review by the district court *sua sponte* is not prohibited. *Thomas v. Arn*, 474 U.S. 140, 154 (1985). The Advisory Committee notes to Federal Rule of Civil Procedure 72(b) recommend that unobjected to proposed findings and recommendations be reviewed for "clear error on the face of the record." Fed. R. Civ. P. 72(b) advisory committee's note to 1983 amendment.

Because no party in this case has made objections, this Court reviews Judge Russo's Findings and Recommendation for clear error on the face of the record. Finding no such error, the Court ADOPTS Judge Russo's Findings and Recommendation, ECF [23]. The case is DISMISSED without

prejudice and plaintiff may file an amended complaint by August 11, 2023 that complies with the Federal Rules of Civil Procedure and Judge Russo's Findings and Recommendation. Failure to file an amended complaint by August 11, 2023 will result in the dismissal of this action with prejudice.

IT IS SO ORDERED.

DATED this 12th day of July, 2023.

A handwritten signature in black ink, appearing to read 'Adrienne Nelson', is written over a horizontal line.

Adrienne Nelson  
United States District Judge